

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

AARDWOLF INDUSTRIES LLC	Case No. 1:16-cv-00234-LO-TCB
v.	
AARDWOLF-USA.COM et al.	

MOTION FOR SERVICE BY PUBLICATION

Plaintiff, through counsel, moves for an order to publish notice of this action pursuant to 15 U.S.C. 1125(d)(2)(A)(ii)(II)(bb).

Background & Argument

Plaintiff filed its Complaint pursuant to the Anti-Cybersquatting Consumer Protection Act of 1999 (“ACPA”), 15 USC 1125(d). The ACPA provides that, in an *in rem* action such as this, service of process shall be made as follows:

- (aa) sending a notice of the alleged violation and intent to proceed under this paragraph to the registrant of the domain name at the postal and e-mail address provided by the registrant to the registrar; and
- (bb) publishing notice of the action as the court may direct promptly after filing the action.

See 15 USC 1125(d)(2)(A). The ACPA goes on to provide that “(B) The actions under subparagraph (A)(ii) shall constitute service of process.” *See* 15 USC 1125(d)(2)(B).

Shortly after filing the complaint, Plaintiff’s counsel notified the registrant of the domain names of this matter by sending copies to the postal and e-mail address provided by the registrant to the registrar in compliance with 15 USC 1125(d)(2)(A)(ii)(II)(aa). *See* Exhibit #1, Affidavit of Eric Menhart.

Given that the notice requirements set forth under 15 USC 1125(d)(2)(A)(ii)(II)(aa) have now been satisfied, Plaintiff requests that the Court grant the attached proposed order allowing Plaintiff to publish notice of the action by way of a single publication in *The Washington Post* for purposes of complying with 15 U.S.C. 1125(d)(2)(A)(ii)(II)(bb). Upon completion, Plaintiff will have satisfied services of process requirements pursuant to 15 USC 1125(d)(2)(B).

For reasons set forth above, Plaintiff respectfully requests that this motion be granted and the Court enter the proposed order allowing for publication of notice of this action.

Respectfully submitted,

/s/ Bianca Black

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed via ECF and all parties of record were automatically notified via that system.

Respectfully submitted,

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